

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICANT'S NAME	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DATE MAILED:

**NOTICE OF INCOMPLETE RESPONSE**  
*Filing Date Granted*

Applicant's response of \_\_\_\_\_ has been entered into the record. However, the application still remains incomplete for the following reason(s).

- ☐ 1. The filing fee has not been received. The amount of \$\_\_\_\_\_ is due.
- ☐ 2. The surcharge of \$\_\_\_\_\_ has not been received.
- ☐ 3. The declaration has not been received.
- ☐ 4. The oath or declaration is not executed in compliance with 37 CFR 1.64(a) because:
  - ☐ a. The inventor's signature is missing.
  - ☐ b. The signature is missing for inventor(s) \_\_\_\_\_
  - ☐ c. The application is one filed under 37 CFR 1.42, 1.43, or 1.47, and the oath or declaration is not executed by the person(s) qualified to make the oath or declaration.

To prevent **ABANDONMENT** of this application, a complete response is required.

The period for response remains as set forth in the Notice to File Missing Parts dated \_\_\_\_\_. However, you may obtain **EXTENSIONS OF TIME** under the provisions of 37 CFR 1.136(a) by filing a petition accompanied by the appropriate fee (37 CFR 1.17).

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

***A copy of this notice MUST be returned with the response.***

Customer Service Center  
Initial Patent Examination Division (703) 308-1202



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 135 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a*  
☒ large entity ☐ small entity (verified statement filed), is \$ 1807.

☐ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 770 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ 500, including any multiple dependent claim fees, are required.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.  
☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ \_\_\_\_\_ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the response.**



1755

*Section*  
*1755*  
PATENT  
715-1-060 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : John W. Liskowitz *et al* EXAMINER : Not Assigned  
SERIAL NO. : 09/234,810 ART UNIT : 1755  
FILED : January 21, 1999  
FOR : METHOD FOR PREPARING FLY ASH FOR HIGH  
COMPRESSIVE STRENGTH CONCRETE AND MORTAR, AND  
COMPOSITIONS THEREOF

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231 on October 13, 1999.

David A. Jackson, Reg. #26,742  
(Name of Registered Representative)

*David A. Jackson 10/13/99*  
(Signature and Date)

RESPONSE TO NOTICE OF INCOMPLETE RESPONSE

BOX MISSING PARTS  
ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

Applicants hereby respond to the above-stated communication which indicates the absence of a signature of inventor Dennis Just. Documents submitted and discussed herein below will clarify that the circumstances surrounding the absence of Dr. Just's signature was inadequately explained in the response to the Notice To File Missing Parts which was filed on July 14, 1999, and that the absence of the signature of Dr. Just on the Declaration and Power of Attorney should not pose an obstacle to the further processing of the present Application to the pending status for purposes of examination.

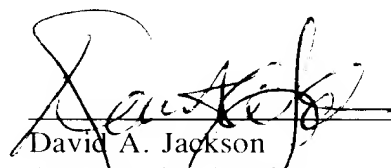
In particular, inventor Just was named as a co-applicant in parent Application Serial No. 08/768,167, filed December 13, 1996, from which the present Application is a Continuation-in-Part. In the processing of the parent Application for the formal grant of filing date and establishment of pendency, Applicant by their representative submitted on September 3, 1997, a Petition Under 35 USC §118 and 1.47(a) establishing the completion of the filing requirements by the execution of the remaining co-inventors, then John W. Liskowitz and Methi Wecharatana. This Petition set forth in relevant part, that Dr. Just was contacted and requested to execute a Declaration and Power of Attorney to complete filing requirements. Dr. Just did not respond to this request and instead, correspondence was received from Dr. Just's employer indicating that Dr. Just would not be permitted to execute the Declaration. The full text of the Petition and the documents that accompanied it are attached hereto for review. The circumstances regarding Dr. Just and the company Union Process remain the same, and efforts to contact Dr. Just have met with failure.

As the circumstances surrounding the refusal of Dr. Just to execute the Declaration were previously determined by the Patent and Trademark Office to justify the continued processing of the present Application and the determination that the signature of the remaining co-inventors constituted a satisfaction of the requirement for execution of the Application, such relief is believed to be in order in the present instance as well in view of the relationship of the Applications and the underlying subject matter. Accordingly, Applicants believe that the attached documents and the present response constitute a proper and adequate response and resolution of the issues raised in the Notice of Incomplete

Response, and accordingly request the further and favorable processing of the present  
Application to the pending roles and the commencement of the prosecution hereof.

Respectfully submitted,

KLAUBER & JACKSON

  
\_\_\_\_\_  
David A. Jackson  
Attorney for Applicant(s)  
Registration No. 26,742

KLAUBER & JACKSON  
411 Hackensack Avenue  
Hackensack NJ 07601  
Tel: (201) 487-5800  
Date: October 13, 1999

Enclosure



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March 12, 1997

Union Process Inc.  
1925 Akron Peninsula Road  
Akron, Ohio 44313

Attention: Dr. Dennis Just

Re: U.S. Patent Application

Inventors	:	John W. Liskowitz et al.
Title	:	METHOD FOR PREPARING FLY ASH FOR HIGH COMPRESSIVE STRENGTH CONCRETE AND MORTAR, AND COMPOSITIONS THEREOF
Serial No.	:	08/768,167
Filed	:	December 13, 1996
NJIT Reference	:	96-02
Our Reference	:	715-1-060

Dear Dr. Just:

Further to our letter of December 6, 1996, we advise that we have received the Notice to File Missing Parts of Application dated March 3, 1997 in the above-identified Application. A copy of the Notice is enclosed.

We enclose the following formal papers for execution: a) Declaration and Power of Attorney and b) Assignment.

Please review the Application, a copy of which was forwarded in our letter of December 6, 1996. When the review has been completed, please execute the Declaration using blue ink in the appropriate place, making sure that the date of execution is included at the time of signing the Declaration. After the Declaration is executed, you should sign and date the Assignment, which should be notarized.

Please note that the deadline for filing the formal papers with the U.S. Patent and Trademark

Union Process Inc.

March 12, 1997

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Our Reference: 715-1-060

Office before incurring time extension fees is **May 3, 1997**.

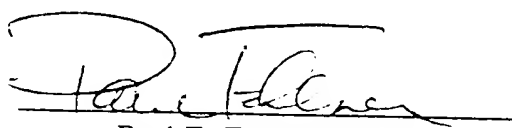
With respect to the Application, your attention is directed to the conditions for patentability as set forth in Section 102 of Part 35 of the United States Code which, in part, requires that the subject invention was never known or used in the United States of America before the invention was made, or patented or described in any printed publication in any country before the invention was made (or more than one year prior to this Application), or in public use or on sale in the United States more than one year prior to this Application.

Section 102 also requires that the invention has not been patented or made the subject of an inventors' certificate issued before the date of this Application, in any country foreign to the U.S. on any Application filed by the inventors or their legal representatives or assigns more than 12 months prior to this Application. You should understand that the expression "date of this Application" as used above actually refers to the date on which this Application was filed with the U.S. Patent and Trademark Office, *i.e.*, December 13, 1996.

The above comments are offered for your consideration at this time, as the Declaration and Power of Attorney form that you will execute is a representation under penalty of law that you are aware of the foregoing conditions for patentability and that the subject matter of this Application, in your belief, meets these conditions.

Very truly yours,

KLAUBER & JACKSON

By:   
Paul F. Fehlner, Ph.D.

PFF/rf

Enclosure

cc: Dr. Peter B. Lederman (w/enclosure)  
Mr. Arno Szegvari

KLAUBER & JACKSON

**Union process**

1925 Akron-Peninsula Road  
Akron, Ohio 44313-4896  
Telephone: (330)929-3333  
FAX: (330)929-3034

**TELECOMMUNICATION****To: Klauber & Jackson****Date: March 17, 1997****Attn.: Paul F. Fehlner, Ph.D.****From: Arno Szegvari****Fax No.: 201-343-1684****Msg.: 108**

**Total number of pages (including this page) | . If you do not receive all pages, please let us know. Our fax number (24 hrs/day) is: 330/929-3034.**

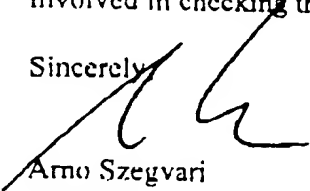
**RE: John W. Liskowitz, et al. (Your Reference 715-1-060)**

We are in receipt of your letter and the accompanying documents dated March 12, 1997. As I indicated in my fax of December 13, 1996, we have some serious concerns whether Denny Just can sign these documents as Inventor. In addition, by contract, an invention by Denny Just is assignable to Union Process. At this time, Union Process has no desire to assign any patent rights.

We also note the comments in your letter regarding the implications of signing the Declaration, and we are aware of the importance of accuracy in representations made in a document of this type. In that regard, as noted above and in my letter of December 13, 1996, we believe there are some areas which need to be carefully examined.

If you wish to pursue this further, we must request that you reimburse us for the legal fees involved in having this matter reviewed by our patent attorneys, as well as for our time involved in checking through our records.

Sincerely,



Arno Szegvari  
President

AS/jst

cc: Mr. Reese Taylor  
Renner, Kenner, et al.